

# Staff Report



## Zoning Case SUP10-13 (George Finger Road)

City Council Meeting Date: 8-17-10

Document Being Considered: Ordinance

### **RECOMMENDATION**

Approve an ordinance changing the zoning classification on certain property known as 245 George Finger Road by the approval of Specific Use Permit SUP10-13 for a cell tower extension exceeding 75-feet in height.

### **PRIOR BOARD OR COUNCIL ACTION**

On June 2, 2010, the Planning and Zoning Commission recommended approval by a vote of 7-0-1.

On August 3, 2010, City Council approved zoning case SUP10-13 by a vote of 9-0-0.

### **REQUEST**

The applicant requests approval of a Specific Use Permit (SUP) for a cell tower extension exceeding 75-feet in height on a .351 acre tract of land zoned "NS" (Neighborhood Service); addressed at 245 George Finger Road and generally located south of Eden Road and east of Matlock Road.

### **ANALYSIS**

The subject site is currently developed with an existing 75-foot high cell tower and equipment shelter, enclosed by a six-foot chain link fence. This site is surrounded by undeveloped property to the north and east. TESCO easements border the property to the south and west, single family development abuts the easement to the south, and a gas drilling operation (Trailer Park Unit) abuts the easement to the west.

The request is to increase the overall height of the existing cell tower to 90-feet. This addition is required in order to install new sector antennas and a microwave dish for Clear Wireless. Additionally, a new equipment cabinet will be located at the base of the tower on a raised platform.

Free standing monopole telecommunications towers, 75 feet or less in height, are permitted in nonresidential districts; however, the proposed tower shall exceed 75-feet, therefore requiring a Specific Use Permit.

### **FINANCIAL IMPACT**

None

### **ADDITIONAL INFORMATION**

Attached:

Ordinance with Exhibits A and B  
Site Plan (1 page)  
Case Information with P&Z Summary

Under separate cover:

None

Available in the City Secretary's office:

None

### **STAFF CONTACTS**

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Ordinance No. \_\_\_\_\_

**An ordinance changing the zoning classification on certain property known as 245 George Finger Road by the approval of specific use permit SUP10-13 for wireless telecommunications facility; amending the Zoning District Map accordingly; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.**

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP10-13 and recommended approval of the specific use permit on June 2, 2010;

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the use will: complement or be compatible with the surrounding uses and community facilities; contribute to, enhance or promote the welfare of the area of the SUP and adjacent properties; not be detrimental to the public health, safety or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

A Specific Use Permit for wireless telecommunications facility is hereby granted for the property known as 245 George Finger Road, described in Exhibit A, and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance. Development and use of the property shall be in compliance with this ordinance, the conditions stated in Exhibit B, and the attached site plan. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

2.

If no development activity has commenced on the property described in Exhibit A within one year after the date of City Council approval, the Specific Use Permit shall expire, unless the director of Community Development and Planning grants an extension as provided in Section 5-500(F) of the Zoning Chapter of the Arlington City Code.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the \_\_\_\_ day of \_\_\_\_\_, 2010, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays at a regular meeting of the City Council of the City of Arlington, Texas.

\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

\_\_\_\_\_  
MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY \_\_\_\_\_

SUP10-13

EXHIBIT "A"

BEING approximately 0.351 acre of land with frontage on George Finger Road, and is commonly known as Lot 2 of the William Grimmitt Addition, an addition to the City of Arlington, Texas;

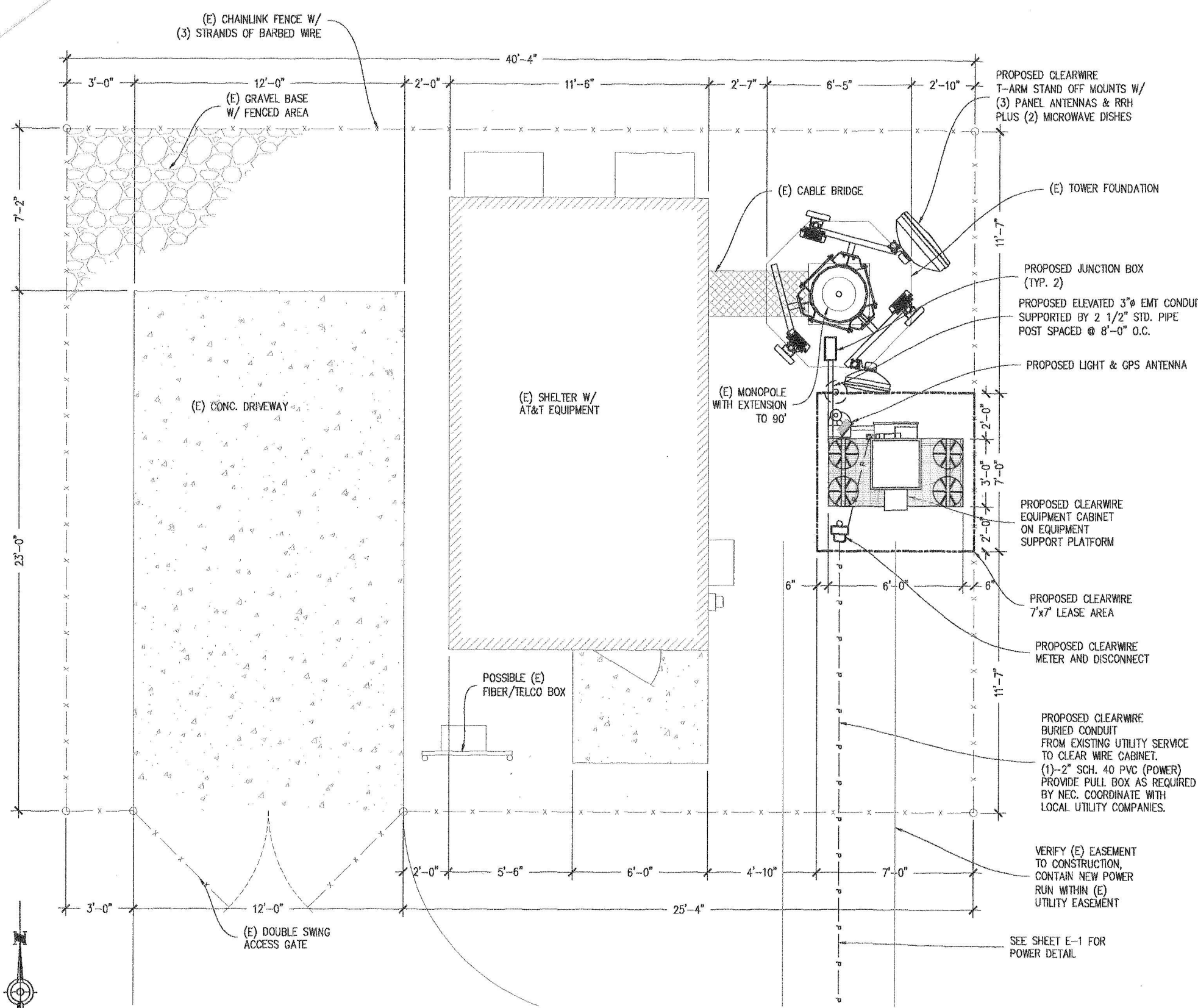
AND being generally located south of Eden Road and east of Matlock Road with the approximate address being 245 George Finger Road.

SUP10-13

EXHIBIT “B”

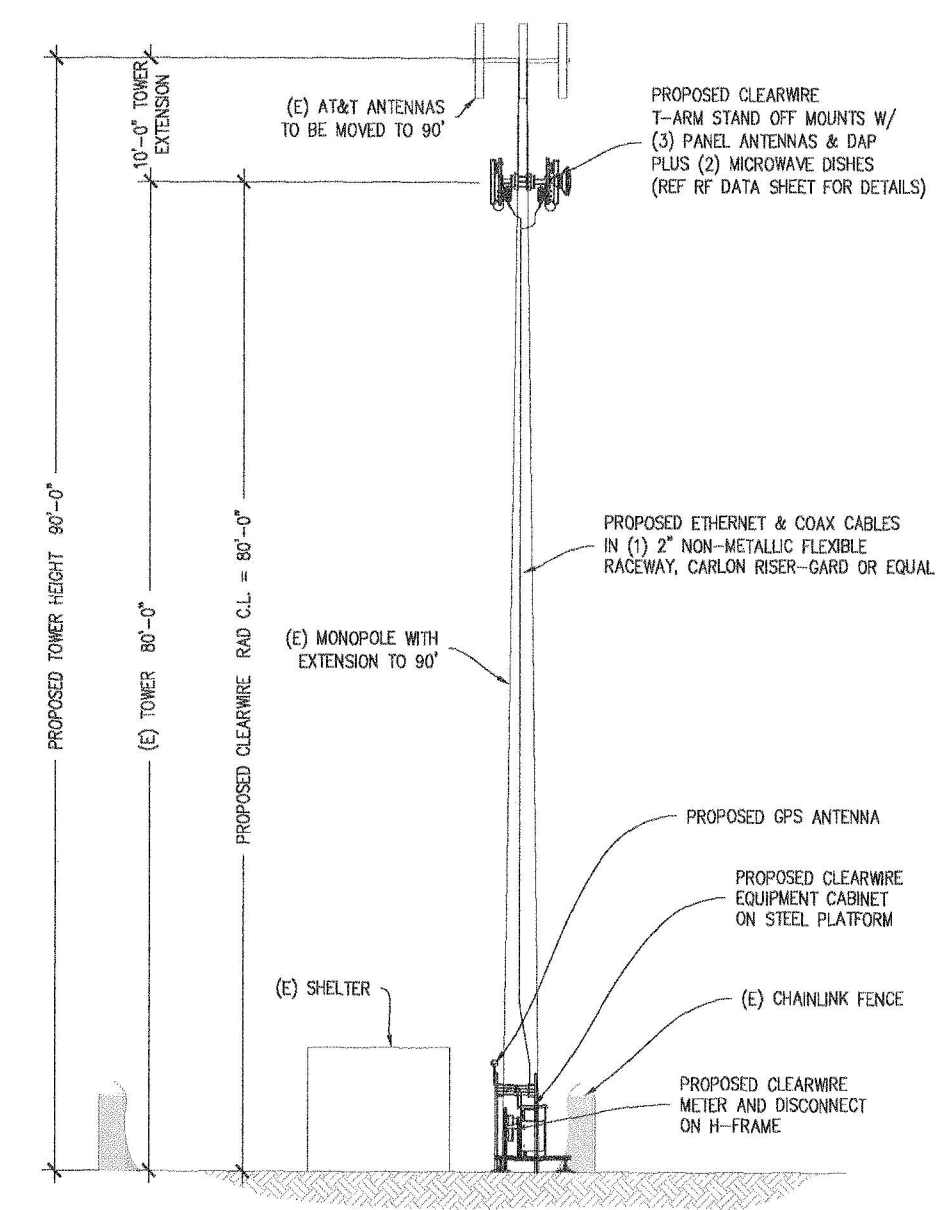
1. The zoning of this site is “NS” (Neighborhood Services) with a Specific Use Permit (SUP) for a wireless telecommunications facility.
2. The communications tower shall not exceed 90-feet in height.
3. The communications tower is privately owned and shall function as a cellular tower.
4. Space on the communications tower will not be leased to any company, corporation, entity or individual, except with respect to any cellular or PCS providers pursuant to condition #10 below.
5. The point of access will be from an existing 12-foot access drive along George Finger Road.
6. One 9-foot by 18-foot parking space is provided on site.
7. The equipment cabinet shall be secured on all four sides by a six-foot steel chain link fence located in a seven foot by seven foot lease area. Additionally this cabinet shall be metal and located on top of a new steel platform.
8. One 12-foot wide gate will be provided along the south boundary of the site.
9. Use and development of the property shall be in compliance with the attached site plan.
10. The tower shall be designed and built to accommodate a minimum of two cellular or PCS providers, if it will be over 75 feet (23 meters) in height. The owner of the tower must certify to the City that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis if the tower will be over 75 feet in height.
11. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.

NOTE: STRUCTURAL ANALYSIS MUST BE PERFORMED BEFORE INSTALLATION OF NEW ANTENNAS. STRUCTURAL ANALYSIS PROVIDED BY OTHERS.



OVERALL SITE LAYOUT  
SCALE: 3/16"=1'  
2  
A-1

FOR 24" X 36" PLOT - 3/16" = 1' 0 2' 4' 8'  
FOR 11" X 17" PLOT - 3/32" = 1' 0 2' 4' 8'



ELEVATION LOOKING NORTH  
SCALE: 1/16"=1'  
2  
A-1

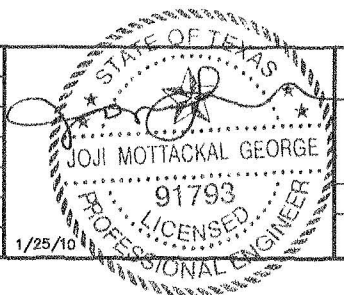
**ALLPRO**  
CONSULTING GROUP, INC.  
9221 Lyndon B Johnson Fwy  
Suite 204, Dallas, TX 75243  
Phone: 972-231-8883 Fax: 866-364-8375  
www.allprocg.com, Firm registration # 8242

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4400 CARILLON POINT  
KIRKLAND, WA 98033  
TEL: (425) 216-7600  
FAX: (425) 216-7900

TX-DAL0158

245 GEORGE FINGER ROAD  
ARLINGTON, TX 76002

NO.	DATE	REVISIONS	BY	CHK	APP'D
2	1/25/10	REV. FINAL CD	CM	JJ	JMG
1	07/17/09	REV. FINAL CD	JW	JMG	JMG
0	06/02/09	FINAL CD	JR	JMG	JMG
SCALE: AS SHOWN			DESIGNED JR		
			DRAWN JR		



SITE PLAN

DRAWING NUMBER  
A-1

# Case Information



**Applicant:** Julianne McGee of Bauman Construction

**Property Owner:** XTO Energy Incorporated

**Sector Plan:** Southwest

**Council District:** 3

**Allowable Uses:** All uses in "NS" (Neighborhood Service) zoning as itemized in Attachment B.

**Development History:** In May 2003, a permit was issued to build a 75-foot cell tower with an equipment shelter surrounded by a six foot chain link fence. The subject site is currently platted as William Grimmitt Addition Lot 2.

Previous zoning cases in the general vicinity in the past five years include:

Case No.	Location	Request	Disposition
SUP08-32	West	Specific Use Permit for gas drilling	Approved

## Adjacent Zoning/Land Use:

Direction	Current Zoning	Current Land Use
North	"NS"	Undeveloped
South	"A"	Undeveloped/ 150-foot TESCO easement
East	"NS"	Undeveloped/ 100-foot TESCO easement
West	"CS"	Undeveloped

**Transportation:** The proposed development has one point of access. This point of access is from George Finger Road.

Thoroughfare	Existing	Proposed
George Finger Road	50-foot, 2-lane undivided local	50-foot, 2-lane undivided local
East Eden Road	120-foot, 2-lane undivided	120-foot, 6-lane divided



# Case Information

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<b>Traffic Impact:</b>	An SUP does not alter underlying zoning and will therefore generate similar traffic patterns as the base zoning.
<b>Water &amp; Sewer:</b>	Water and sewer are not available to this site. The extension of a sewer main and a water main may be required at the time of development.
<b>Drainage:</b>	The site is located within the Lynn Creek and Bowman Branch drainage basin and is not located within the FEMA floodplain. No significant drainage impacts are expected to result from development of this site, as long as all relevant city ordinances are complied with.
<b>Fire:</b>	Fire Station Number 15, located at 906 Eden Road, provides protection to this site. The estimated fire response time is 2.27 minutes, which is in keeping with recommended standards.
<b>School District:</b>	This property is located in the jurisdiction of the Arlington Independent School District (AISD). AISD has not indicated the proposal has any impact on the school district.
<b>Notices Sent:</b>	
Neighborhood Associations:	Arlington Chamber of Commerce Downtown Development Arlington Neighborhood Council East Arlington Review Southeast Arlington Community Alliance WeCan (West Citizen Action Network) ACTION North Central Arlington Property Owners, Inc. Forest Hills HOA Forest Hills HOA Heart of Arlington Neighborhood Assn Meadow Oaks HOA Oak Hill Neighborhood Old Town Neighborhood Assn Stratford Court HOA Town North Neighbors
Property Owners:	16
Letters of Support:	0
Letter of Opposition:	0

# *Case Information*

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## **PLANNING AND ZONING COMMISSION SUMMARY:**

### **Public Hearing: June 2, 2010**

Zoning Case SUP10-13 (George Finger Road – 245 George Finger Road)

Application for a Specific Use Permit for a wireless telecommunication tower extension that shall exceed 75 feet in height on 0.027 acres zoned "NS" (Neighborhood Service); 245 George Finger Road generally located south of Eden Road and east of Matlock Road

Kevin Charles, Landscape Administrator, presented this case.

Present to speak in support of this case was Bill Bauman, 2300 Springmere Drive.

Jeffrey Pokrifcsak made a motion to approve Zoning Case SUP10-13. Seconded by Edward Gutierrez, the motion carried with the following vote:

AYES: Victor Vandergriff, Edward Gutierrez, Andrew Piel Connie Ruff, Michael Forbes, Jeffrey Pokrifcsak, and Kevin McGlaun

NAYS: None

ABSTAIN: Brandon Hill

**APPROVED 7-0-1**

# *Itemized Allowable Uses*



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## **Allowable Uses:**

### **“NS” (Neighborhood Service)**

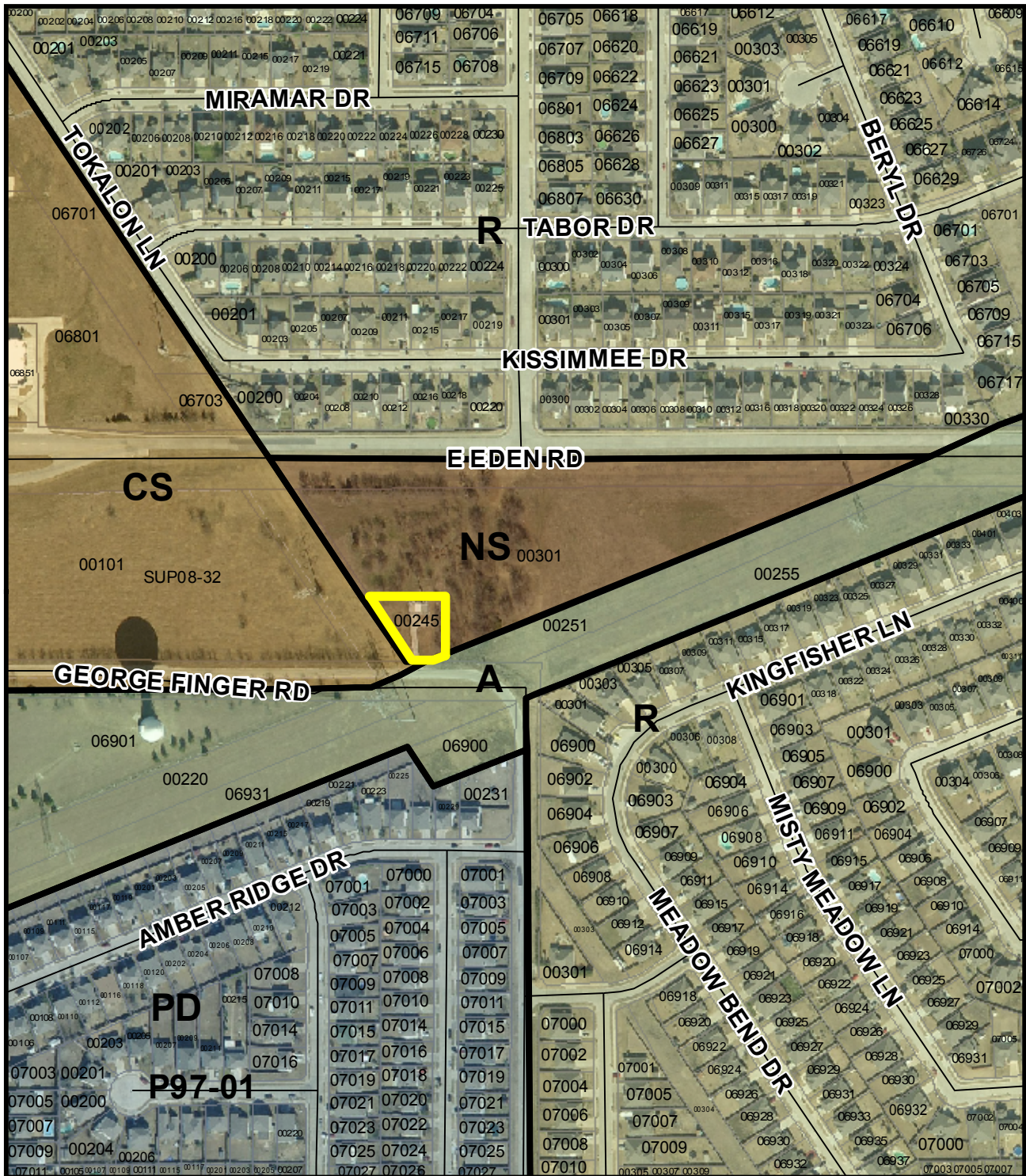
Permitted – Crop production, public park, playground or golf course, country club with golf course, church, public or private school, government facility, transit passenger shelter, utility lines, towers or metering station, accessory caretakers quarters, and customarily incidental.

Specific Use Permit (SUP) - Bed and breakfast inn, college, university or seminary, philanthropic institution, cemetery, airport, heliport or landing field, and electric utility substation and gas drilling.

Special Exception (SE) - Temporary asphalt or concrete batch plant, temporary carnival, circus or amusement ride, and temporary sand or gravel extraction.

Conditions (C) - Yacht club or marina, catering service, cleaning laundry, copy center, offices, restaurant, antique shop, rental store, general retail store, massage therapy, personal household service, alcohol sales, auto parts and accessory sales, veterinary clinic, day care, business school, museum or art gallery, private club, lodge or fraternal organization, women's shelter, wireless telecommunications facilities, temporary construction field office, temporary construction storage yard, accessory garage-private, and accessory outside display and sales.

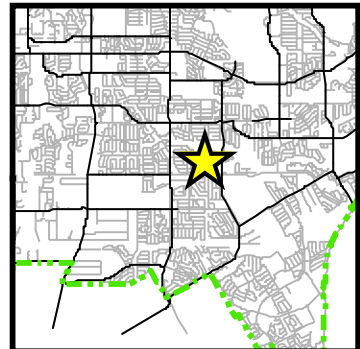




## LOCATION MAP SUP10-13



**SPECIFIC USE PERMIT  
TELECOMMUNICATIONS TOWER  
EXTENSION  
.351 ACRES**





## SUP10-13

Specific Use Permit for Gas Drilling  
South of Eden Road and east of Matlock Road.



View of subject site showing the existing cell tower. View north.



View of adjacent residential uses located south of the TESCO easement. View south.



View of the adjacent gas drilling operation as seen from the subject site. View west.



View of adjacent undeveloped property located east of the subject site. View east.